



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912

July 20, 2015

Marc Pinard, Esq.
Brady Sullivan Properties, LLC
670 N. Commercial Street
Manchester, NH 03101

Dear Mr. Pinard,

EPA has reviewed the Draft Lead Dust Wipe Analysis, Lead Dust Hazard Mitigation, Lead Risk Assessment and the Lead Exposure Hazard Reduction Plan, dated July 2, 2015, for 195 McGregor Street in Manchester, New Hampshire. Staff from NH DHHS also have reviewed this document. The attached comments take both EPA's and NH DHHS's comments into account.

A revised Lead Dust Wipe Analysis, Lead Dust Hazard Mitigation, Lead Risk Assessment and the Lead Exposure Hazard Reduction Plan should be prepared and submitted to EPA for final review within ten (10) days of receipt of this letter.

This letter represents EPA's conditional approval of the Draft Lead Dust Wipe Analysis, Lead Dust Hazard Mitigation, Lead Risk Assessment and the Lead Exposure Hazard Reduction Plan for this project. This approval is conditioned upon adequate response and incorporation of EPA review comments into the final plans. At this time, please proceed with the additional activities requested by EPA in the attached comments at your earliest convenience.

If you have any questions, please contact Molly Magoon of my staff at (617) 918-1848 or case attorney Andrea Simpson at (617) 918-1738.

Sincerely,

A handwritten signature in dark ink, appearing to read "James Chow", is written over a horizontal line.

James Chow, Manager
Technical Enforcement Office

cc: Beverly Drouin, NH DHHS
Diane Cartier, Les A. Cartier and Associates, Inc.
Mickey Laskey, American Environmental Testing Services, LLC

General Comments:

1) This report is a collection of many different data points and involves descriptions of results and updates that could be separated. Please remove from the title of the plan the portions identifying testing/clearance results and data and move such information into appendices of the plan or report this information in a separate report. Specifically, please remove Analysis Reports, Progress Update, and Inspection Reports. This document should outline the plan for such actions, but not include results or updates on such actions.

EPA would like to see the document broken down into three different plans as required by the Order:

- “Plan for Lead Risk Assessment and Lead Exposure Hazard Reduction Plan of the Mill West Property, 195 McGregor Street, Manchester, NH”; and
- “Plan for Lead Dust Wipe Analysis and Lead Dust Hazard Mitigation Plan for Mill West Property, 195 McGregor Street, Manchester, NH”;
- Plan for unoccupied Spaced (first and second floors) dust mitigation and renovation for the Mill West Property located at 195 McGregor Street, Manchester, NH.

Other general comments:

Please include the names and contact information of personnel from all companies currently involved with work at the site and include copies of all of their credentials as an attachment to the Plan.

Pursuant He-P 1600, the NH Lead Poisoning Prevention and Control Rules, all workers shall be NH licensed lead abatement workers, supervisors, or contractors, with the exception of the RRP renovators working in the active worksite areas on 1st and 2nd floors and “Piano Room.” Any variance from using licensed lead abatement workers shall be approved in advance by NH DHHS with notice to EPA.

The cleanup activities shall strictly adhere to the EPA Renovation, Repair and Painting (RRP) Rule, as well as any state and local regulations. The RRP Rule shall be included in references on page 2. Also, throughout the document, references should be made to the RRP Rule in terms of set up, clean-up, containment, etc.

Specific Comments on Draft Plan: (dated July 2, 2015)

- Draft Plan: Executive Summary 1.0
 - The summary should outline and summarize the three different plans, as noted above;
 - Remove third paragraph and add to appendix;
 - Remove the 27/2/15 Update and add as an appendix.

1. "Re-assessment of sampling plan to now test for 98 units" – Delete the words "Re-assessment of sampling plan to now". Add reference to the standards and protocols that will be followed for testing.

4. Add reference to which standards lead dust will be assessed for hazards.

5. Identify which standards will be used to identify and prioritize cleaning efforts.

7. "Schedule cleaning and re-testing to achieve passing results in all 98 units":
Add reference to which standards will be followed for cleaning and clearance testing.

8. "Re-cleaning of seven (7) child occupied and/ or pregnant women occupied units to include floors, walls, ceilings, window sills, furniture and other objects":

Take out "Re-cleaning of" and replace with "Clean."

Add reference to cleaning protocols that will be followed.

9. "Completion of risk assessments, including XRF inspections in seven (7) child occupied and/ or pregnant women occupied units, including occupant use patterns, physical building characteristics by July 15, 2015"

The Plan should address the additional Lead Paint (XRF) Inspections and Abatement in common areas. Add reference to Risk Assessment Standards that will be followed.

12. Add wording that specifies certificates will only be granted to those units which have had a full risk assessment and abatement.

13. Take out reference to "abate" lead dust hazards. Cleaning and dust mitigation is an interim control method.

Add a section for the unoccupied spaces and the standards that will be used for renovations and dust cleaning and mitigation.

- Draft Plan: 2.0: Site Description:

Add commercial unit information: list of names of owners; contact numbers for owners and/or tenants if different from owners. Also, please Identify Brady Sullivan as manager of the commercial areas (name of property manager and contact information).

- Draft Plan: 4.0 Risk Assessments and XRF Testing in Child Occupied Units (7):

Add that the additional risk assessments will include full "lead paint hazard inspections and abatement of any lead hazards."

- Draft Plan: 4.1 XRF Reports of Child Occupied and/or pregnant women occupied units (7)

Add Attachment "B" by 7/15/15.

- Draft Plan 4.2 – Paint Condition Assessment. . .

Re-word section to reference lead exposure hazards as defined by He-P 1600 and RSA-130A.

- Draft Plan 5.0 Dust Wipe Assessment Methodology

Reword entire section to indicate all units will be tested and explain in detail the testing protocol with references to standards followed where applicable. This section should not address procedures for the risk assessment as that will be addressed in another section.

- Draft Plan 5.1 Summary of Dust Wipe Results

Remove and add as appendix.

- Draft Plan: 6.0 CLEANING GUIDELINES FOR CHILD OCCUPIED UNITS

-Delete “CHILD OCCUPIED” from title of this section and replace with “RESIDENTIAL.”

In the bolded paragraph, delete any reference to Renovation, Repair and Painting (RRP) personnel. All workers shall be NH licensed lead abatement workers, with the exception of the RRP renovators working in the active worksite areas on 1st and 2nd floors and the “Piano Room.” Any variance from this requirement must be approved in advance by NH DHHS and EPA.

-Detail thoroughly how the cleaning will take place in residential units including references to applicable standards where necessary.

-Update the line “resampling should take place as soon as possible” to indicate adherence to rules that mandate a one-hour wait to allow dust to settle.

- Draft Plan: 7.0 XRF TESTING OF STAIRWELLS AND INTERIOR COMMON AREAS

Again, RRP workers may not be used for this work. Only NH licensed lead abatement workers can be used.

- Draft Plan: “8.0 COMPLETION . . .

-Should state that following completion of XRF testing, a risk assessment and a LEHRP will be developed . . .

-Add reference to rules and standards that will be followed where applicable.

-Again, only NH licensed lead abatement workers may be used.

- Draft Plan: 9.0 CLEANING AND ENCLOSURE PLAN FOR UNOCCUPIED SPACES

Continue to report any vandalism or breakage of containment barriers. Include in the Cleaning and Enclosure Plan a response plan for identifying and coordinating repairs to any broken/removed containment barriers and signage.

Additional Activities to be Performed:

EPA’s Order requires compliance with HUD Guidelines for lead dust risk assessment and cleaning. Please be sure to use the 2012 version which is available at:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/healthy_homes/lbp/hudguidelines.

In general, the HUD guidelines call for lead dust cleaning to be conducted “ceiling to floor and out the door.” In most dwellings, the typical ceiling height is 7-9 feet. Given that the ceiling height in the subject residential units is approximately 20 feet, at this time, EPA is recommending that the cleaning should be conducted to a height of 10 feet. On a case-by-case basis, the Respondent should consider cleaning to greater heights if necessary to remove visible dust.

In general, hard surfaces should be cleaned using HEPA vacuum followed by wet cleaning. Soft materials (i.e., couches and carpeting) should be cleaned using HEPA vacuum to remove visible dust. See HUD Guidelines, Chapter 14. EPA is not requiring the wet vacuuming of soft materials at this time as a HEPA vacuum should be able to remove all visible dust, but the Respondent may consider wet vacuuming on a case-by-case basis as necessary. For rough surfaces, such as brick walls, cleaning should consist of using a HEPA vacuum followed by wet cleaning. See HUD Guidelines, Chapter 14.

Specific cleanup activities (in accordance with HUD Guidelines, Chapter 14, and He-P 1600) that must be performed if not yet completed include:

1. HEPA vacuum and wet cleaning to remove all dust from interior window sills, troughs, and wells. This should be done from the interior. Clearance sampling would then be required using a standard of 250 $\mu\text{g}/\text{ft}^2$ for window sills and 400 $\mu\text{g}/\text{ft}^2$ for window troughs.
2. HEPA vacuum and wet cleaning of window sashes using a visual observation standard to remove visible dust (no quantitative clearance standard available).
3. HEPA vacuum of window screen from the interior to the extent possible using a visual observation standard to remove visible dust.
4. HEPA vacuum of window treatments using a visual observation standard to remove visible dust where the window treatment is a soft material (i.e., drapes, curtains). HEPA vacuum and wet cleaning of window treatments to remove visible dust where the window treatment is a hard material (i.e., mini blind).
5. HEPA vacuum and wet cleaning of exterior window sills and troughs for paint chips and dust. Clearance sampling would then be required using a standard of 250 $\mu\text{g}/\text{ft}^2$ for window sills and 400 $\mu\text{g}/\text{ft}^2$ for window troughs.
6. HEPA vacuum and wet cleaning of brick walls using a visual observation standard to remove all visible dust. Extra care should be taken around the perimeter of windows to clean brick sills and horizontal and vertical surfaces between individual bricks.
7. HEPA vacuum and wet cleaning of finished walls to remove all visible dust.

8. HEPA vacuum and wet cleaning of all ledges and casing (interior vertical and horizontal) surfaces around each window.
9. HEPA vacuum and wet cleaning using appropriate crevice attachments of the area between floorboards and the bottom of baseboards. Clearance sampling would then be required using a standard of 40 $\mu\text{g}/\text{ft}^2$. HEPA vacuum and wet cleaning as feasible of all baseboards to remove visible dust.
10. HEPA vacuum and wet cleaning of other permanent or semi-permanent horizontal surfaces such as tops of kitchen cabinets, lighting fixtures, ledges created by architectural wall openings between rooms, bookcases, tall dressers and ceiling fans, focusing on horizontal surfaces within each unit that might readily accumulate dust and might not regularly be cleaned as part of routine housekeeping. Cleaning should be conducted to a visual observation standard to remove all visible dust.
11. Other surfaces and personal items are not required by EPA to be cleaned of dust at this time. However, on a case-by-case basis, the Respondent should consider the thorough cleaning of other areas and objects within each unit if deemed necessary and appropriate (i.e., bedrooms).
12. HEPA vacuum of rugs and soft furniture (i.e., couches) to remove all visible dust.
13. All cleaning should be conducted from higher levels to lower levels within each unit.
14. Representative clearance sampling should be conducted to confirm the adequacy of cleaning activities.
15. HEPA vacuum the filters in each unit's HVAC system. HEPA vacuum and wet cleaning of HVAC registers and vents unless representative sampling shows that HVAC registers and vents throughout the units do not pose a concern.
16. HEPA vacuum and wet cleaning of common areas of the building that residents use. HEPA vacuum the filters of the HVAC system in common areas. HEPA vacuum and wet cleaning of HVAC registers and vents unless representative sampling shows that HVAC registers and vents throughout the common areas do not pose a concern.
17. The Respondent shall also develop a plan to assess and mitigate the risk of exposure to lead contaminated soil and building exterior around the perimeter of the building.
18. Develop an Operations and Maintenance (O&M) Plan to address any lead-based paint and/or lead-based paint hazards that might remain in the property and that could pose

lead exposures hazards if not properly checked and maintained. The O&M plan should include a description of the steps that will be taken if additional lead dust issues arise.

19. In accordance with EPA's Lead Disclosure requirements, new lead testing records/reports that are developed through the completion of the Plan's work should be included with any new disclosures to prospective tenants, along with any other existing lead records and reports. The new lead records/reports should be disclosed to each tenant and prospective tenant. Proper lead disclosure includes lead records and reports pertinent to each specific unit and to common areas. Additional information can be found at: <http://www2.epa.gov/lead/real-estate-disclosure>